

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

I. CLAIM STATUS AND AMENDMENTS

Claims 7-12 were pending in this application when last examined and stand rejected.

New claims 13-19 have been added that correspond to claims 7-12 and are written in a manner to clarify the features of the claimed package and to conform to US practice. Support for the new claims can be found in the disclosure, for example, at page 2, lines 10-35, page 3, lines 13-25, page 4, lines 14-37, and in original claims 7-12.

No new matter has been added by the above claim amendments.

The specification is amended to include a continuation paragraph on page 1 per US practice. No new matter has been added.

Claims 6-19 are pending upon entry of this amendment.

II. OBVIOUSNESS REJECTION

Claims 7-12 were rejected under 35 U.S.C. § 103(a) as allegedly obvious over FR 2,198,469 in view of FR 2,499,025 and Layne (US 3,547,768) for the reasons on pages 2-6 of the Office Action. This rejection is respectfully traversed.

The rejection should fall, because the combined cited prior art references fail to teach, suggest or make obvious all of the limitations of the independent claims, as required to support a *prima facie* case of obviousness.

FR 2,198,469 discloses a leakproof package comprising a first sheet 11 and a second sheet 12 and two tear strips 7, 8 disposed on and secured to the first sheet 11 (see page 3, lines 6 to 11). The junction of the two tear strips 7, 8 projects with respect to the first sheet 11 (Fig. 4). However, the sheets 11, 12 are made of aluminum (see page 3, line 26).

FR 2,499,025 discloses an aluminum leakproof package (see page 4, line 6) with a pull corner in the form of rectangular projection 8. The two tear strips 20, 21 are substantially parallel to each other (see pages, lines 5 to 9, and 13 to 19; figure 1).

Neither FR 2,198,469 nor FR 2,499,025 discloses or suggests the below noted features of independent claim 7 of the pending patent application:

- a rectangular parallelepiped made of polypropylene;
- a pull corner formed by a triangular projection formed on one of the sides of the first sheet; and
- tear strips forming a pointed U-shape with the tip being situated in said triangular projection.

US 3,547,768 fails to remedy these deficiencies. US 3,547,768 discloses a heat-shrinkable plastic film (see col. 1, lines 26-27) with a thin layer of moisture vapor-barrier wax. The plastic film can be made of a various components, including polyvinyl chloride or polypropylene (see col. 2, lines 38 to 44). However, US 3,547,768 does not disclose a rectangular parallelepiped made of polypropylene having a pull corner formed by a triangular projection formed on one of the sides of the first sheet; and tear strips forming a pointed U-shape with the tip being situated in said triangular projection.

In addition, nowhere does US 3,547,768 disclose or suggest using the heat-shrinkable plastic film to make a leakproof rectangular parallelepiped package. In this regard, FR 2,198,469 and FR 2,499,025 do not mention or require using heat-shrinkable films. Accordingly, it is believed that there is no motivation or rationale to replace the aluminum sheets in the packages of FR 2,198,469 and FR 2,499,025 with the heat-shrinkable plastic film of US 3,547,768. There is no motivation or suggestion to combine/modify the teachings of the prior art references to arrive at the claimed package with any reasonable expectation of success.

Further, as discussed at page 1 of the instant application, in the package of FR 2,499,025, the first sheet is provided with two parallel tear strips and the pull corner is formed by a 45° fold of two halves of one of the sides of the

cut-out sheet. The effect of this folding is to bring the ends of the two tear strips into a heat-sealing zone that is far away from the end of the pull corner. Accordingly, when the pull corner is pulled, there is a danger of tearing the pull corner before exerting traction of the tear strips, and consequently of failing to open the package.

By contrast, the claimed package overcomes the above-noted problem of FR 2,499,025. In the claimed package, the tear strips are arranged so that when the pull corner is grabbed and pulled, the two tear strips are also taken hold of and pulled. See independent claim 7 that recites "two tear strips disposed on and secured to the first sheet, so as to be entrained when the pull corner is pulled." See also independent claim 13 that recites "two tear strips disposed on and secured to said first sheet and configured to form a pointed U-shape with a tip portion positioned in said triangular projection so that when the pull corner is grasped by a user, the two tear strips are also grasped by said user so as to be entrained when the pull corner is pulled to enable rapid opening of said package without encountering resistance of a fold." These features of the packages of the independent claims allow rapid and easy opening without encountering the resistance of a fold. This overcomes the above-noted problem in FR 2,499,025. See also the discussion at page 2, lines 12-20 of the instant application.

This arrangement of the claimed packages is clearly different from and is nowhere suggested by the cited prior art references.

Also, given the above-noted problem in FR 2,499,025, even if the cited references were to be combined they would not arrive at the packages of independent claims 7 and 13. As such, the cited references lack a reasonable expectation of success of arriving at the claimed packages.

It should also be noted that the cited prior art references fail to disclose or suggest the folding arrangement specified in dependent claims 11, 12, 17, and 18.

For these reasons, it is believed that the cited references fail to disclose or suggest each and every element of independent claims 7 and 13. Thus, claims 7 and 13, and all claims dependent thereon, are novel and unobvious over the cited references.

Therefore, Applicants respectfully submit that the above-noted 103(a) obviousness rejection is untenable and should be withdrawn.

Lastly, Applicants note that FR 2,198,469 and FR 2,499,025 were considered during the International phase and the International Preliminary Examination Report concluded that the subject-matter of claim 7 is patentable in view of these French patents.

III. CONCLUSION

Having addressed all the outstanding issues, the amendment is believed to be fully responsive. In view of the above, it is respectfully submitted that the application is in condition for allowance and notice to that effect is hereby requested. If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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